IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 927 of 2003

Between:

1 Rama Mohan Rao son of Rama Rao
D.No. 9-9-12 and 9-9-12/1, Akivari Street, Narsapur W.G.Dist
2 Gogula Kameswara Rao son of Narsaiah,
D.No. 12-2-16, Old Bazar, Narsapur, W.G.Dist
3 Atmuri Veeraswamy son of Venkata Subrahmanyam
D.No. 6-11-39 (Old No. 6-11-34) Main Road, Narsapur W.G.Dist
4 R.Suryanarayana Son of Suryanarayana
D.No.7-6-6,Old Bazar, Narsapur, W.G..Dist

..... PETITIONER(S)

AND

1 The Revenue Divisional Officer
Narasapur, West Godavari Dist
2 The Mandal Revenue Officer
Narasapur, West Godavari Dist
3 The Commissioner Narasapur Municipality
Narasapur, West Godavari Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ, order or direction declaring theaction of the Respondent in demolishing the house bearing D.Nos. 9-9-12 and 9-9-12/1, Akivari Street, D.No. 12-2-16, 7-6-6, Old Bazar, 6-11-39 (Old NO. 6-11-34, Main Raod, Narasapur, under the guise of widening the out following the due process of road without any notice and with law as illegal, arbitrary, violative of principles of natural justice and violative of Article 300-A of the constitution of India

Counsel for the Petitioners: MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following :

ORAL ORDER

Though the W.P.M.P. is listed for hearing, at request of learned counsel for both parties, the main Writ Petition itself is taken up for hearing and disposal.

Petitioners have questioned the action of the respondents in demolishing the houses bearing No. 9-9-12 and 9-9-12/1 in Akivari Street, D.No. 12-2-16, 7-6-6 Old bazaar, 6-11-39 Main road, Narsapur for the purpose of widening the existing road.

It is the case of the petitioners that though it is required for public purpose, in absence of any consent from the petitioners and notifying the land under the provisions of Land Acquisition Act,1894, it is not open for the respondents to demolish the houses belonging to the petitioners.

It is stated in the counter-affidavit filed on behalf of the respondents 1 and 2 that during the “Godavari Pushkarams, 2003”, several developmental works had taken place in Narsapur municipality. It is further stated that the first petitioner has removed his shop bearing D.No. 9.9.12 and 9.9.12/1 in Akivari street, Narsapur by himself voluntarily, but the rest of the structures of the other petitioners have not been demolished and the other petitioners have also agreed before the Revenue Divisional Officer, Narsapur to remove their structures for the purpose of widening the existing road.

If the property of the petitioners are affected for the purpose of road widening, the only course open to the respondents is either to obtain consent from the petitioners or to notify the structures likely to be affected under the provisions of the Land Acquisition Act, 1894.

In that view of the matter, the writ petition is disposed of directing the respondents not to demolish the properties of the petitioners as otherwise than due process of law. No costs.

---

kvsn 21st JUNE, 2004

To

1 The Revenue Divisional Officer
Narasapur, West Godavari Dist
2 The Mandal Revenue Officer
Narasapur, West Godavari Dist
3 The Commissioner Narasapur Municipality
Narasapur, West Godavari Dist
4. To the G.P. for Revenue(O U T)
5. Two C.D. copies.